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## ABSTRACT

This publication reviews the history of the Professional Staff Congress (PSC) of the City University of New York (CUNY), which in 1997 celebrated its 25th anniversary, commemorating the 1972 merger of the institution's Legislative Conference and the United Federation of College Teachers, two previously rival unions. The first chapter covers the union's origins, the differing perspectives of its parent organizations, and the steps toward merger. The second chapter addresses the effects of the New York City fiscal crisis in the 1970s. It recalls the series of budgetary cuts imposed on the university, a retrenchment proposal, the PSC fight for full state funding, various restructuring plans, the shutdown of CUNY, and the achievement of full state funding. The third chapter covers 1980s, which is seen as a decade of advance. Subsections review the continuing battles against budget cuts, the Cuomo years, protection of retiree benefits, contractual gains, strengthening of the welfare fund, establishment of a credit union, and the establishment of scholarships. The final chapter, covering the 1990s, sees the decade as a period of defending PSC achievements, including agreement on a new contract, weathering new problems, restoration of some cuts, and a PSC lawsuit in the State Supreme Court. Timelines at the end of each chapter list important events. (DB)

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## A message from the president

The merger of the Legislative Conference and the United Federation of College Teachers to form the Professional Staff Congress on April 14, 1972, was an extraordinary event in the world of academic unionism.

Two rival unions with significant differences in background joined together in the interest of more effective representation for the City University's instructional staff.

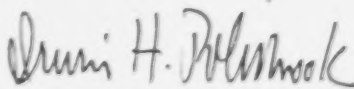
At the time, many observers did not believe the fledgling union had much chance to make a go of it. But through perseverance, dedication to our ideals and hard work the PSC has succeeded beyond the expectations of its creators.

We have repeatedly broken new ground for academic unionism as these pages recount.

As the PSC marks its 25th anniversary, we take pride in our achievements on behalf of the City University instructional staff and look forward to still greater progress in the next quarter century.

These articles by Irwin Yellowitz, professor emeritus of history at City College and a former PSC treasurer, originally appeared in our newspaper, the *Clarion*.

We hope the account will be useful to students of academic collective bargaining and to everyone with an interest in public higher education.



Irwin H. Polishook  
President

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## Building the union

The Professional Staff Congress celebrated its 25th anniversary on April 14, 1997. This is the union's history.

by Irwin Yellowitz

**T**he 25th anniversary of the Professional Staff Congress is an occasion for reflection not only about our future, but about our past. We should know how the faculty and staff at the City University of New York moved from an isolated, often impotent, condition to united, strong representation by a professional union that negotiates a contract widely viewed as a model for higher education.

The PSC defends that contract zealously through a well-developed grievance procedure, protects and advances the interests of the faculty and staff, provides the real clout for CUNY in Albany and at City Hall and advances the interests of retirees, a group that needs the strength of a union as much as when they were active employees.

The union protects and enlarges an extensive, much admired benefits program, offers a wide range of ancillary services, including retirement counseling and a full-service credit union, and recognizes and supports some of the outstanding students in CUNY by full tuition scholarships through the Belle Zeller Scholarship Trust Fund.

The PSC has a prominent role in the New York City labor movement and cooperates with faculty and staff organizations within CUNY, such as the

University Faculty Senate, to advance collegiality and shared governance.

To reach this point has required determined and intelligent leadership, a first-rate union staff and the continuing support of the members.

### The Legislative Conference

The strong PSC that we know today is the product of a complex history reaching back over half a century. In the 1930s, Committees on Legislation represented the individual city colleges, but they were hampered by poor coordination and minimal resources.

In 1938, the governing board for the four city colleges (Brooklyn, City, Hunter and Queens) issued a set of bylaws that created formal faculty governance at the colleges and established faculty tenure. This spurred faculty to think of a more effective legislative organization, especially since there was need to reinforce the bylaw tenure provisions with statutory protection. On Jan. 6, 1939, 22 faculty members created the Legislative Conference of the City Colleges (LC) and elected the first set of officers.

The LC first worked to achieve statutory tenure, and in 1940, after a difficult campaign, it achieved success. The LC next moved to salaries and

pensions. It won some salary increases through the early 1950s, but in 1956 the LC secured passage of a state law giving college faculty parity with employees of the Board of Education. Salaries for those in professorial titles matched the pay of supervisory personnel in the public schools.

With the growth of the United Federation of Teachers (UFT) in the 1960s as the union for the staff of the public schools, salaries for teachers increased, and in 1963 supervisory salaries rose accordingly because of an indexing arrangement. Through the parity law, this automatically raised salaries for the faculty in the city colleges. Thus the college faculty and the LC benefited directly from the unionization of the public schools.

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The LC also worked unceasingly for improvements in the pension system. Again the situation elsewhere set basic policy for the city colleges since faculty were either members of the Teachers' Retirement System with the personnel of the public schools or the New York City Employees' Retirement System with other city workers. However, the LC did gain much valuable legislation that had specific application

to the needs of the colleges.

The leadership of the LC was composed of senior faculty as was true for most faculty governance bodies at the colleges. In late 1944, Prof. Belle Zeller of Brooklyn College became the chair of the LC. She retained this post until 1972, when she became the first president of the PSC. Prof. Zeller was an authority on lobbying, and her expertise, plus her extensive personal contacts with state legislators, many of whom had been her students, maximized the influence of the LC.

### The UFCT challenge

In 1963, the LC was challenged as the representative of the faculty and staff of CUNY when the United Federation of College Teachers (UFCT) began determined organizing within the university.

The UFCT had been the local for college teachers of the UFT and its predecessor organization since 1950, but in 1963 it became an independent local of the American Federation of Teachers (AFT). With continued financial help

from the UFT, the UFCT began vigorous organizing not only in CUNY but at other colleges including St. John's University, Pratt Institute and Long Island University.

Prof. Israel Kugler of New York City Community College (now City Tech) headed the UFCT as he had its predecessor organizations since 1950. An experienced and articulate labor leader with a record of significant achievements, he stressed the need for academic unions to affiliate with the labor movement. This was a key



Members picket Board of Higher Education in September 1972.

difference from the LC, which emphasized its independence.

The UFCT received much positive recognition in 1965-66 for its determined defense of 31 members of the faculty at St. John's University who were dismissed without charges or hearings. St. John's became a national issue.

Although the strike called by the UFCT was lost in the narrow sense, most of the strikers received better positions elsewhere, and St. John's suffered censure from the American Association of University Professors and a general loss of reputation. The LC

clearly faced a real challenge from this new organization.

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The LC responded by calling on CUNY to recognize it as the sole collective bargaining agent. Naturally, the UFCT opposed any such action.

Chancellor Albert Bowker decided to increase consultations with both groups, but he ignored the issue of collective bargaining. His hand was forced in 1967 when the state legislature passed the Taylor Law, which granted public employees the right to choose a collective bargaining agent.

### An election takes shape

An election was now a certainty in CUNY, but under what terms? The UFCT had to face its weak support among the faculty of the senior colleges who were familiar with the LC. Yet the LC also had problems, including little support among lecturers and adjuncts.



PSC informational picket line outside Baruch College in February 1973.

Then, as now, CUNY used adjuncts as cheap labor: they were 42 percent of the teaching personnel in 1968, and 34 percent of the total faculty and staff. When lecturers, who had no assurance of reappointment, are added to the adjunct figure, the so-called temporary staff constituted 45 percent of the total faculty and staff.

These considerations led to a protracted dispute before the Public Employment Relations Board (PERB) over the nature of the unit for the election. The LC called for two units – one for all faculty and staff paid on an annual basis, and a second for adjuncts, with those who worked less than six hours excluded entirely. Clearly this was designed to gain victory for the LC in a powerful unit in which it had electoral strength. The downside was allowing the UFCT to win among the adjuncts, but if the two units were combined, the LC could not be sure of victory.

The UFCT demanded a single election for all employees except that College Laboratory Technicians would be in a separate unit. The UFCT hoped to win among the technicians thereby gaining a foothold in CUNY while the remaining large single unit, which included all the adjuncts and the lecturers, gave it a chance for victory there as well.

The university also called for a single unit minus adjuncts teaching less than six hours. As with most employers, CUNY wanted to avoid multiple unions and several contracts.

PERB ultimately determined the



Protesting tenure quotas, October 1973.  
At left, then PSC First Vice President Irwin Polishook.

units in a form close to that proposed by the LC. PERB called for two units – one for those holding some sort of permanent or annual status, including Higher Education Officers and College Laboratory Technicians, and a second unit for those in temporary titles, principally adjuncts, although full-time lecturers on annual appointments were included in this second group.

#### **The instructional staff chooses**

The election was held on Dec. 5, 1968. In unit 1, the LC received 47 percent of the votes, the UFCT 38

percent with 15 percent voting for neither. This required a second election since a majority was needed. In the runoff, the LC won 54 percent of the votes and the UFCT received 46 percent. This close result shows that the UFCT was correct in estimating its strength, and had there been only one unit, the UFCT most likely would have won.

In unit 2, the UFCT won 60 percent of the votes while the LC received only 27 percent with 13 percent voting for neither. These

results left two bargaining agents having to face not only challenges from the university but from each other.

Some CUNY officials wondered why the faculty and staff had supported collective bargaining. They cited the good salaries and governance structure under the bylaws. Prior to the election, Chancellor Bowker openly called for rejection of collective bargaining, saying it would weaken faculty governance and replace a community of shared interest with an adversarial relationship.

He also strongly encouraged formation of the University Faculty Senate as an alternative to collective bargaining. However, the faculty and staff rejected these arguments. They understood that unionism would actually enhance governance as events have borne out. They also appreciated the gains made by the UFT in the public schools through vigorous unionism.

Subsequently the State University of New York and many other colleges and universities voted for collective bargaining. The *Yeshiva* decision of 1980 by the United States Supreme Court, which declared faculty in private colleges and universities to be managers and thus ineligible for collective bargaining, essentially stopped further organizing in those institutions.

The results of 1968 were close to the plan of the LC, but clearly this election was not to be the final word. The UFCT continued a strong campaign against the LC among members of unit I. In April 1971, the UFCT launched

a petition drive for a new election under one unit.

The LC responded to the challenge from the UFCT by discarding its fiercely held independence and joining the National Education Association (NEA). The NEA provided money, including funding for the new post of Executive Director, to which Arnold Cantor was appointed in May 1970. The UFCT delighted in attacking this change of course, claiming the LC had exchanged principle for cash. However, the UFCT failed to note that it still received considerable financial support from the UFT.

### **A move toward merger**

The battles between the two organizations were rapidly bankrupting both of them. The UFCT had increasing and sizable debts, and as a new collective bargaining election loomed, the LC took out a loan of \$100,000 in September 1971. Once again PERB would have to make a unit determination. The LC called for the two existing units; the UFCT, aware of the 1968 results, called for one unit; and in a sharp turnabout CUNY proposed three units.

Since neither union was confident of victory, they began to discuss merger to stop the slide into bankruptcy. The momentum for merger was greatly assisted by a parallel set of merger talks between the statewide affiliates of the NEA and the AFT. If such a merger took place, the support from the national organizations to their affiliates in CUNY would end.

After rocky negotiations, the LC and the UFCT achieved a merger, and in April 1972 the members of each organization quickly approved it by an overwhelming vote. Shortly thereafter the faculty and staff as a whole voted strongly for one unit that would be their bargaining agent. The new organization was called the Professional Staff Congress/CUNY – a name chosen with difficulty to distinguish the new union from its two predecessors.

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*'The initial contracts were concluded in 1969.'*

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Belle Zeller became president and Israel Kugler deputy-president; key leadership positions in the central union and in the campus chapters were divided fifty-fifty.

The merger produced one union, but not unity within it. Caucuses developed immediately around Belle Zeller and Israel Kugler, and there was constant tension between them and also among their supporters. Although divided leadership made it more difficult, the union was able to negotiate the first unitary contract with CUNY.

In the spring of 1973, Profs. Kugler and Zeller ran on opposing slates in the first PSC election. The Zeller slate, known as the City University Union Caucus (CUUC), won the major

offices and control of the Executive Council and Delegate Assembly. Prof. Kugler and his supporters continued in opposition until 1976 when Irwin Polishook, running on the CUUC slate, defeated Israel Kugler.

During the period prior to merger, the collective bargaining agents had to contend with several major challenges from the university as well as negotiate contracts.

The initial contracts were concluded in 1969. The LC contract established parity between senior and community college faculty and staff in salaries. The UFCT contract included the Certificate of Continuous Employment for full-time lecturers with five or more years of service. These basic contractual principles and many other provisions of the current PSC contract are direct descendants of those initial agreements.



PSC President Belle Zeller and Deputy President Israel Kugler soon after the merger of the Legislative Conference and the United Federation of College Teachers to form the Professional Staff Congress.

### The first PSC contract

The newly created PSC began to negotiate the first unitary contract in 1972. The process lasted until ratification by the PSC's membership in September 1973 as the university, under a new chancellor, Robert Kibbee, tested the union.

The process included impasse, fact-finding (the report was accepted by the PSC but rejected by CUNY), a vote for a strike on Oct. 1, 1973, should there be no contract by that date, the withholding of increments by CUNY

and a declaration by the university that it would impose a contract under its reading of the Taylor Law, and finally an agreement on July 20, 1973, that closely followed the report of the fact finders.

This contract settlement firmly established the major provisions of the 1969 agreements and added several new and important features.

The 1972 contract retained increments despite the university's strong attempt to end them; allowed for a more effective grievance procedure by

requiring a college president to give reasons for overruling a personnel committee on reappointment or promotion and by broadening the powers of an arbitrator through remand of cases to special faculty panels when a fair academic judgment could not be expected at the college; defined workload more precisely – which a decade later became a key factor in the workload arbitration that still applies in CUNY; and provided new forms of job security by making instructors eligible for contractual tenure and providing multiple-year reappointments for Higher Education Officers.

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*The PSC... began a blistering campaign against tenure quotas.*

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Important as these provisions were, the long battle by the PSC to win the agreement also showed the resolve of the union to meet the determined opposition of management. A young union almost always faces such a challenge, and this was the time of testing for the PSC.

### **Management tries to make inroads**

During the period of the two competing unions, the university chose to try to make some basic changes in academic practice, perhaps in the belief that the discord between the two organizations would weaken their response. In late 1969, Chancellor

Bowker proposed to eliminate elected chairs, citing the heavy managerial responsibilities placed on them by the new contracts. He tried to rush the change through the Board of Higher Education, but determined opposition from the two unions led first to delay and ultimately to the dropping of the proposal.

In late 1970, Chancellor Bowker proposed a 75 percent tenure quota. The two unions resolutely opposed the idea as inimical to quality and contrary to peer review, and the proposal quickly disappeared. However, in 1973 Chancellor Kibbee revived the proposal for tenure quotas. He called for a 50 percent quota with special justification required if the college president chose to recommend tenure in a department that had hit the limit. The Board of Higher Education approved the policy on Oct. 29, 1973.

### **Battling tenure quotas**

The PSC immediately began a blistering campaign against tenure quotas. The union proposed that faculty bodies vote no confidence in the chancellor and refuse to cooperate with any special procedures for tenure under the quota system.

Ultimately 14 of the university's 18 campuses, plus the University Faculty Senate, demanded the rescission of the quotas, and 8 campuses and the University Faculty Senate passed resolutions for the resignation of the chancellor.

Other measures in the campaign included a boycott of all contact with

the chancellor, which received widespread support throughout CUNY; support from prominent politicians, including Mayor-elect Abraham Beame, who received the PSC's endorsement in the election and who would appoint new members to the Board of Higher Education; national publicity through the solid support of the AFT and the NEA; a warning to faculty nationwide through advertisements in professional publications ("Applying to CUNY? Think Twice."); rallies, continuous attention to the issue in the *Clarion*, and constant work by the PSC's officers to keep the issue before the university community. It was a comprehensive, tough and unrelenting campaign to defeat this attack on sound academic practice.

On April 22, 1974, the Board of Higher Education rescinded the tenure quota resolutions. As then First Vice President Irwin Polishook put it, the end of tenure quotas was "an unprecedented victory not only for the PSC, the instructional staff and the student body, but for merit and academic freedom and for the national movement of faculty unionization." It clearly was the greatest effort yet made by the young union, and a significant achievement.

By 1975, unionism and collective bargaining were firmly established in CUNY through the PSC. There had been a series of crises that seemingly could have no equal. Yet looming just ahead was the fiscal collapse of New York City which threatened the very existence of CUNY. ■

## Building the Union

### January

**1939** 22 faculty members create the Legislative Conference (LC).

**1940** LC wins passage of law granting statutory tenure.

**1944** Belle Zeller elected chair of the LC.

**1963** United Federation of College Teachers (UFCT) begins organizing drive at the city colleges.

**1967** Taylor Law grants public employees the right to choose a collective bargaining agent.

**1968** In an election for bargaining agent, LC wins a majority of the professoriate at CUNY; UFCT wins lecturers and adjuncts.

**1969** First instructional staff contracts. The LC contract establishes parity between

senior and community college instructional staff in salaries. The UFCT contract wins a Certificate of Continuous Employment for lecturers.

### April

**1972** LC and UFCT merge, forming the Professional Staff Congress. Belle Zeller becomes president; Israel Kugler, deputy president.

### Spring

**1973** City University Union Caucus wins control of Executive Council and Delegate Assembly in first PSC general election; Belle Zeller

becomes president.

### September

**1973** PSC members ratify the first unitary contract.

### October

**1973** Chancellor Kibbee proposes a 50% tenure quota which is approved by the Board of Higher Education. After a blistering campaign by the union, quotas are rescinded on April 22, 1974.

**1976** Irwin Polishook, running on CUUC slate, is elected PSC president.



With management refusing to negotiate in good faith, PSC members held 'Rally for a Decent Contract' on Oct. 5, 1972.

## A time of crisis

The 1960s and early 1970s were a period of rapid growth for the City University. New colleges opened, the student body increased – moderately at first in the 1960s, and then rapidly after the advent of Open Admissions in 1970. Although student fees rose, they remained under \$100, and free tuition continued. Significantly more faculty and staff provided an expanded array of courses and services.

The instructional staff moved to collective bargaining in 1968, and after several years with two negotiating agents, the PSC in 1972 became the sole union for CUNY as a result of the

merger of the Legislative Conference and the United Federation of College Teachers.

Despite the many problems faced by the university and the PSC, in the early 1970s the future seemed bright. Lurking just ahead, however, was a fiscal crisis that not only threatened the quality of education and the jobs of faculty and staff, but the very existence of CUNY itself.

### On a collision course

The storm hit the university when CUNY's expanded costs collided with a fiscal crisis in New York City. The city supplied 50 percent of the budget for the senior colleges plus a significant share of community college expenses. While

New York State experienced less fiscal trauma, it also faced budget problems. The financial stresses combined with a traditional upstate hostility to New York City made help from the state, while essential, difficult to achieve.

Under political pressure from the PSC and the New York State United Teachers (NYSUT), the state ultimately did intervene to increase its share of funding for the senior colleges from 50 percent in 1974 to 75 percent of what had been the combined city and state contributions in 1979, with 100 percent forthcoming four years later. Yet this shift was too slow to avoid a crisis at CUNY. It also came at a significant price: the end of free tuition.

### Cuts and more cuts

An angry sea of budgetary cuts broke over CUNY in the fall of 1974. For three years the cuts came in waves. As the exhausted university, and a PSC fully engaged in its protection rode out each great breaker, another followed. CUNY survived only because of the activities of the PSC, and its ability to galvanize political support for the university.

In the fall of 1974, Mayor Abraham Beame called for sharp reductions in the city's support of the senior colleges. This meant double trouble since lower municipal appropriations triggered a matching decline in state funds for CUNY.

As the city's financial problems deepened in the winter of 1974-75, Mayor Beame made three rounds of cuts in CUNY's budget. The



Rally in December 1974 was one of many organized by the PSC to protest massive cuts in city and state aid for CUNY.

university's management responded by reducing services. In what was to become a familiar litany, the cuts included reductions in staff, principally part-time and non-tenured or non-certificated faculty at this point, a freeze on the hiring of full-time personnel and fewer library resources. Much worse was to come.

The university limped through the 1974-75 academic year. New York City called for an even greater budget cut for 1975-76. Chancellor Robert Kibbee reacted with continued and more drastic changes. The Board of Higher Education (BHE) on July 28, 1975, raised student fees significantly, reduced administrative and support staff,

increased class sizes, eliminated sabbatical leaves (restored after the end of the fiscal crisis) and increased annual contact hours for faculty to 24 in the senior colleges and 30 in the community colleges. These hours ultimately were reduced by a PSC challenge that led to a 1982 arbitration decision which established the current contact-hour teaching load.

Yet as this wave crashed on the university, the next one crested. Mayor Beame demanded the end of free tuition, and cut another \$32 million from CUNY's budget in place of it. Since the BHE refused to give up free tuition, this became an additional reduction in available funds.

## Kibbee proposes retrenchment

Chancellor Kibbee prepared for still other waves by having the BHE pass a retrenchment plan which would allow immediate dismissal of tenured and certificated faculty and staff. He projected the firing of a minimum of 1,500 employees in all categories.

The Chairman of the BHE, Alfred Giardino, floated additional actions including a payless furlough of up to four weeks and the closing of CUNY for two weeks. At the same time, Chancellor Kibbee tried to slow the momentum of the cuts by calling for "thoughtful analysis and carefully planned implementation." This was akin to bailing out the Titanic with a bucket. The individual colleges moved ahead with poorly conceived cuts to meet their reduced budgets.

## PSC fights for full state funding

Clearly CUNY management had adopted a policy of acquiescing in the cuts, even though an occasional president, such as Joseph Murphy of Queens College, called for a fight against the reductions based on their disastrous impact on the university. In contrast to management, the PSC fought resolutely against the cuts from the very first.

The PSC maintained from the outset that more money must come from New York State to offset what would be inevitable losses of funds from New York City. In the short term, monies could be found by restoring to CUNY the windfall the state gained by not



During the crisis, the PSC's labor allies joined the fight to save CUNY. At 1976 rally, First Vice President Irwin Polishook with Central Labor Council Secretary Harry Avrutin, United Federation of Teachers President Albert Shanker and DC 37 Executive Director Victor Gotbaum.

having to provide matching funds for those withdrawn by the city. In the long term, the answer was full state funding of the senior colleges. In 1979, the PSC won this battle and gained full state funding.

To achieve this objective, while attempting to mitigate the cuts from New York City and temper the willingness of CUNY's management to decimate the university, the PSC pursued several strategies. On Dec. 12, 1974, the union organized the largest rally in the history of CUNY to oppose the first round of budget cuts.

Many more rallies and demonstrations followed. The PSC went to the courts, although success there proved to be slight. The union also launched a full-scale publicity campaign to win public support for CUNY, including both radio and newspaper outlets. Most important, the PSC drew on the strength of the labor movement, particularly NYSUT, to work for more money from the state. It also participated in the Municipal Labor Coalition that helped reverse the collapse of the city's credit.

For some in the PSC, these actions were not enough. Although there was talk of a strike in the future, the opposition caucus called for an immediate strike referendum. In October 1975, the Delegate Assembly defeated such a motion by a 58-26 vote.

President Belle Zeller opposed the motion because in the context of the city's financial collapse it would turn the public against CUNY's faculty and staff

and complicate efforts to win more money from the state. Also smaller unions, such as the PSC, were more likely to suffer the full weight of the Taylor Law's severe penalties against strikes by public employees, including a loss of tenure and a loss of two days' pay for each day an employee was on strike.

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*'CUNY' survived  
only because of the  
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As President Zeller put it, an immediate strike would favor management and the enemies of the university "and would send the PSC to a graveyard filled with unions that have struck at the wrong time."

### **Restructuring plans**

As the crisis deepened, institutional cannibalism came to the surface. President Robert Marshak of City College proposed to close six colleges – not including his own – and then merge the four older senior colleges, including City, into the State University of New York as more highly funded university centers.

One problem with such a scheme was that the state had no interest in new university centers with increased costs. Others at CUNY floated variations on the restructuring theme.

The PSC strongly opposed all such plans. The union consistently championed the academic advantage of a system that included two- and four-year colleges. In addition, any new institutions would be significantly weaker politically than a unified CUNY. Ultimately this would translate into fewer resources, poorer education and a weakened union less able to defend the university and those it represented.

Chancellor Kibbee would also offer a restructuring plan, but in late 1975 he still focused on massive changes within the university rather than on dismembering it. His program continued to rely on disastrous reductions in services rather than on more money. It included a significant cut in the number of students, increased workloads, a payless furlough and the firing of faculty and staff. As First Vice-President Irwin Polishook commented, the Kibbee Plan "would save the university by destroying it."

Instead the PSC went to the public. One advertisement in *The New York Times* told readers "You Can Save City University" by supporting more state money for CUNY. However, it was a tough time for a citizen of the Big Apple. Mayor Beame's appeal to President Gerald Ford for federal help brought a resounding no, with the accompanying free advice that the city declare bankruptcy, or as the *New York Daily News* headline put it: "Drop Dead."

President Ford saw no reason why other Americans "should support



Protesting cutbacks.

advantages in New York [free tuition] that they have not been able to offer in their own communities." However strongly New York City rejected this reductionist argument, it still resonated widely, including in upstate New York. Upstate legislators resisted aid to a City University that provided a free education while SUNY charged tuition.

In addition, the fiscal crisis in New York City was affecting the state's financial position. In January 1976, these considerations led Governor Hugh Carey to oppose state financial assistance to CUNY. Instead, Governor Carey proposed a plan to consolidate and close units within the university.

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### *The PSC Fought to Save the Public System for CUNY*

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Chancellor Kibbee now moved his own restructuring plan forward. He presented it to the BHE in February 1976. It proposed to close Hostos, John Jay and Richmond Colleges, and convert Medgar Evers and York into two-year colleges. Chancellor Kibbee also called for an end to Open Admissions by raising CUNY's entrance requirements and for tighter retention standards. These two measures were intended to reduce enrollment significantly. Throughout the crisis, the PSC fought all efforts to restructure CUNY, and it won that battle.

## Chancellor Kibbee's plan

All of the reorganization proposals had one goal in common – to reduce the size of CUNY. For the governor, this would allow an increase in the percentage of state support to the senior colleges without spending more dollars. For the chancellor, it would bring the cost of CUNY closer to the lower level of funding that he expected from Albany and City Hall.

The Kibbee Plan was based on the continuation of free tuition. In April 1976, the BHE approved the chancellor's reorganization proposal by a 6-4 vote. The minority contended that an end to free tuition would preclude restructuring of CUNY, and they were prepared to pay that price. The majority, including Chairman Alfred Giardino, insisted on continuing free tuition whatever the consequences.

Events now moved quickly to a climax. The PSC had been negotiating a contract during this turmoil. On April 28, 1976, it reached an agreement with the university cancelling the four-week payless furlough that was still in the Kibbee Plan approved by the BHE and substituting a two-week deferral of salary and increments. This was similar to other unions' wage deferrals. Despite skepticism by some, the deferred monies were repaid, with interest, during the 1980s once New York City had recovered its financial health.

## CUNY shuts down

Mayor Beame then confronted the tuition issue. Two members who supported free tuition had resigned from

the BHE following its action in April as they realized they could no longer prevail. The mayor quickly appointed new members who favored ending free tuition. He then announced the city would not pay its share of the May 28 CUNY payroll.

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*CUNY management had adopted a policy of acquiescing in the cuts.*

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President Irwin Polishook called on the members of the PSC not to work if they were not paid. This led Chancellor Kibbee to close the university indefinitely. Forced to act, the BHE ended free tuition. New York State then appropriated \$24 million to allow payment of the unmet CUNY payroll.

During the crisis, the PSC election for general officers took place in March and April 1976. The rhetoric from the opposing caucus included charges of weak and inept PSC leadership, but the real issue was a difference in strategy. Irwin Polishook, running for president, stressed the primacy of political action, built in part on community support through the publicity campaign and close cooperation with CUNY's students, and in part through affiliation with NYSUT and support from elsewhere in the labor movement.

The opposing caucus put more

emphasis on sit-ins, demonstrations and a one-day strike. The electorate gave Irwin Polishook 58 percent of the vote, and his slate swept the Executive Council as they won in the senior and community colleges and among the cross-campus units. Clearly the faculty and staff supported the approach taken by the incumbent leadership.

## Retrenchment

The 1976-77 academic year brought the next waves in the crisis. The city's workforce experienced a second round of firings as thousands of uniformed personnel and 20,000 teachers were laid off. Thus on May 24, 1976, the BHE authorized retrenchment, and the chancellor ordered the colleges to cut 2,000 positions, including tenured and certificated faculty.

The PSC fought these firings and succeeded in getting management to reduce the number to less than half. The union also redoubled its efforts to increase state funding as the only real way to stop further retrenchments.

Under pressure from the PSC and NYSUT, Governor Carey in early 1977 announced his support for increasing state funding for the senior colleges from 50 to 75 percent. The governor realized that with an election year approaching there would be severe political consequences from NYSUT and the labor movement should he not move to raise state aid.

He foresaw a decline in CUNY's student body as free tuition ended, which he hoped would offset some of

the additional dollars required by the increase in funding. Ultimately the infusion of state money ended the crisis in CUNY, but not soon enough to reverse all the retrenchments.

The proponents of dismembering CUNY as a solution to the crisis continued their efforts into 1977. Even as Governor Carey accepted the increase to 75 percent for state funding of the senior colleges, members of his staff floated restructuring plans. The union continued to support CUNY's unitary system of community and senior colleges as the best academic structure for New York City.

However, as fiscal stability began to return, proposals for structural changes in CUNY waned. Thus the Kibbee Plan was not implemented in large measure, the efforts by some at the older senior colleges to join SUNY fizzled, and a call in March 1977 by a state commission, headed by Nils Wessell of the Sloan Foundation, for CUNY to be reorganized into two new universities gained little support.

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*'In 1979,  
the PSC...  
gained full  
state funding.'*

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In June 1979, the PSC finally achieved its goal of providing a firmer financial base for CUNY and deflecting schemes for reorganization. The union's political efforts led key legislators,



Faced with proposals to dismember the university, the PSC waged a media campaign to enlist public support for CUNY. First Vice President Irwin Polishook and Treasurer Ada Agronin at a press conference in 1975.

including Speaker Stanley Fink, State Senator John Marchi and State Senator H. Carl McCall, to play leading roles in creating a financial and governance arrangement for CUNY that has lasted to this day.

Legislation signed by Governor Carey provided for an autonomous, unified CUNY, full state funding of the senior colleges in four years (a 75 percent state funding rate already has been voted for the 1979-80 budget year) and a new Board of Trustees to replace the BHE, with ten members appointed by the governor and the remaining five by the mayor.

The storm had finally subsided. Although the university and its instructional staff had suffered losses, CUNY had survived as an institution,

and the great majority of faculty and staff had remained in place. The PSC had played a major role in achieving this result. The university was now poised to take advantage of quieter seas during the 1980s as it rebuilt from the nadir of 1974-77. The PSC also was ready to use brighter times to improve salaries and working conditions offered by the university, and to build a stronger union offering more services and programs to the instructional staff. ■

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*'The PSC  
drew on  
the strength of the  
labor movement.'*

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## A Time of Crisis

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### Fall 1974

As city fiscal crisis develops, Mayor Beame calls for sharp reductions in city support for senior colleges, triggering a matching decline in state funding.

### Winter 1974-75

CUNY is hit with three rounds of budget cuts from the city. Staff reductions and a hiring freeze imposed. PSC mounts "Save CUNY"

drive; organizes a series of protest rallies.

### Fall 1975

Chancellor Kibbee announces plans to fire 1,500 CUNY employees, including tenured and certificated instructional staff. PSC mounts media campaign to enlist public support to save CUNY.

### February 1976

Chancellor Kibbee proposes plan to drastically downsize the university.

### April 1976

Irwin Polishook elected PSC president. Union agrees to two-week wage deferral instead of proposed four-week payless furlough.

### May-June 1976

City refuses to meet May 28 payroll. PSC tells members not to work if they are not paid. Chancellor shuts down CUNY for two weeks. BHE ends free tuition.

### May 1976 through 1977

BHE authorizes retrenchments. Union's efforts cut layoffs.

### February 1977

Governor Hugh Carey agrees to increase state funding for the senior colleges, ending the crisis.

### June 1979

PSC wins firm financial base for CUNY as an independent, unified university with enactment of the CUNY Bill.



PSC President Emerita Belle Zeller and First Vice President Claude Campbell with Governor Hugh Carey in June 1979 at signing of CUNY Governance Bill.

*All of the  
...  
...  
...  
the size of CUNY*

## A decade of advance

**A**fter successfully surviving the crisis of 1974-1979, the Professional Staff Congress entered the 1980s with the university intact and without major losses among faculty and staff. The union stood

poised to advance. The prerequisites were in place.

First, the improved financial condition of the state and city allowed politicians to respond to the strong pressure from the PSC and our affiliate, the New York State United Teachers (NYSUT). Second, the PSC had experienced leaders, plus an excellent staff, who were able to take advantage

of the larger economic and political situation. It took great skill and immense energy to convert these potential advantages into real gains.

Underlying any advances had to be a livable budget. This did not come easily, but at the state level a clear pattern existed throughout the decade: the governor generally cut the CUNY budget to a greater or lesser extent, and



PSC chapter chairpersons review proposed contract in September 1980.

the legislature restored some or all of the money the governor had proposed to cut. New York City offered less of a problem until 1986.

For the rest of the decade, the same pattern emerged as at the state level. In this case, reductions made by the mayor were largely restored through agreements reached among the City Council, Board of Estimate and the mayor.

### Battling budget cuts

The existence of these overall patterns and the positive outcome for the PSC should not obscure the complex inner texture of events. In 1980, Governor Hugh Carey continued his highly ambivalent attitude toward CUNY by proposing the most significant cuts in the university's budget since 1975-76, with 600 positions slated for elimination. When the legislature restored the money, the governor vetoed their actions. In a seldom seen response, the legislature overrode the governor's veto. The fierce lobbying of the PSC and NYSUT contributed to this unusual event.

The PSC also gained a highly significant modification of the funding formula for the College of Staten Island (CSI) and New York City Technical College. Both schools had senior college and community college programs, which meant budgetary insecurity since the state and city did not always agree on their levels of financial support.

Against the backdrop of the projected budget cuts of 1980, the PSC

gave the highest priority to changing this unstable situation. In June 1980, the union won state funding for a major portion of community college expenses based on a formula of parity with the agricultural and technical colleges of the State University of New York.

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*"It took great skill and immense energy to convert potential advantages into real gains."*

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As he finished his second and final term in 1982, Governor Carey gave CUNY a going away present of budget cuts. These were part of a general reduction in state aid to all levels of education. It led to a lengthy budget standoff, significant restorations by the legislature, more vetoes by the governor and ultimately a second set of overrides by the legislature. Again the PSC called on the statewide reach of NYSUT to further this result.

### The Cuomo years

Although the mid-1980s saw the annual budgetary pattern of executive cuts and legislative restorations continue, there was a major change in degree. Under Governor Mario Cuomo, the executive reductions were smaller and more targeted; the overall CUNY budget increased; there was support for an ambitious \$4-billion building program in CUNY funded by state bonds, and restorations by the

legislature met no vetoes. However, budgetary problems became severe again once the state passed a multi-year tax cut in 1987 and the stock market crash in October of that year hurt the economy of New York City.

The final years of the decade resembled the earliest ones as the governor proposed major cuts which were largely eliminated by the legislature. Mayor Edward Koch also began to demand reductions in the city's contribution to the community colleges, but again strong political action by the PSC blocked any significant cuts.

Still, budgets became increasingly austere, and while the basic fabric of CUNY remained intact, it began to fray as libraries, counseling and other vital support services became strained. The PSC and NYSUT campaigned vigorously for the state to suspend the tax cuts. However, it was the era of Reaganomics, and the effort failed, except for the last phase of the reductions, amounting to \$400 million, which was not implemented until after Governor George Pataki's election in 1994.

The relative financial stability of the 1980s allowed the PSC's leaders to negotiate four contracts that restored the financial losses suffered by faculty and staff during the crisis of the 1970s and made important advances in virtually every area. Just as the PSC used the strength of NYSUT in lobbying and political action, so it joined the other municipal unions in a coalition to negotiate the basic financial features of contracts. This clearly maximized

the influence of the PSC.

During the decade, the PSC and its coalition partners secured salary increases that averaged 6.1 percent annually (more when compounding is taken into account). The coalition also negotiated significant improvements in the basic medical plans plus higher payments to the unions' welfare funds, including the PSC-CUNY Welfare Fund. Yet all of this was only the beginning for the PSC. It had many important issues to negotiate that were specific to CUNY.

### Protecting TIAA retirees

Most difficult to achieve were after-retirement basic health benefits for members of the Teachers Insurance and Annuity Association-College Retirement Equities Fund (TIAA-CREF). The members of the Teachers' Retirement System (TRS) received these benefits, including coverage for hospitalization and doctors, but such was not the case for TIAA-CREF. This was a critical issue since most of those who had entered CUNY since the 1970s, when modifications reduced the attractiveness of TRS, had joined TIAA-CREF.

The state and city resisted adding after-retirement basic health benefits for TIAA-CREF because of the substantial cost and a reluctance to provide additional public monies to a private retirement plan when a public retirement system, TRS, existed as an alternative. During the contract negotiations of 1984, President Irwin Polishook played a major role in winning this new provision for members



The PSC created the Belle Zeller Scholarships to honor its founding president. President Polishook, Governor Cuomo and Dr. Zeller with two winners.

of TIAA-CREF. He convinced city and state officials that CUNY could not continue to attract high quality faculty if the TIAA-CREF retirement plan lacked health benefits, and that the cost was bearable since it would be spread over many years as the members retired. He insisted that this item was essential to achieving a collective bargaining agreement.

Ultimately the PSC prevailed. For the first time, members of TIAA-CREF had the same after-retirement health coverage as those in TRS. This was clearly one of the most important achievements in the history of the PSC, and all the more difficult to win because it did not affect other city employees.

In 1982, the PSC also made a momentous gain for retirees in terms of the supplementary health benefits provided by the PSC-CUNY Welfare Fund. The contract of that year contained for the first time a per capita payment from the employer for all

retirees who left the university after 1982.

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*'In a seldom seen response, the legislature overrode the governor's veto.'*

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This per capita payment was only \$50.00 less per year than the per capita payment for active members, and it allowed the Welfare Fund to develop a full range of benefits for the post-1982 retirees. In essence, the PSC won a contractual assurance that one reward of a lifetime of service to CUNY would be comprehensive after-retirement health coverage.

PSC made other important changes in the contracts of the 1980s that were specific to CUNY's instructional staff. The 1980 contract initiated Scholar Incentive Awards and the Faculty

Development Program. The 1982 contract included the creation of the chief college laboratory technician title, the establishment of permanence of appointment for higher education officers under article 13.3b and repayment of the deferred money of 1975-76, with interest, over a seven-year period beginning in 1984 – a commitment shared with other municipal unions.

### Contractual gains

With the 1984 contract, health benefits were expanded to include adjuncts who met service requirements (soon sharply reduced) and who had no other health plan. This was a major gain for adjuncts, and quite difficult to achieve because it ran counter to the common practice in American higher education. Adjuncts are regarded by universities as cheap labor for whom any health plans are a contradiction in terms. The last contract of the decade, in 1987, included a differential for lecturers with the doctorate and longevity steps for all members of the instructional staff who had been at the top of their rank for five and seven years.

*"Strong political action, the PSC has been able to achieve what the union could not do."*

Librarians received four weeks of special assignment leave instead of



Executive Director Arnold Cantor addresses a PSC Pre-Retirement Conference. The union has secured comprehensive health coverage for retirees.

three while higher education officers had the years needed to reach a permanent appointment reduced from eleven to eight. Yet there was also a hint of tougher times ahead as the university demanded several negative changes. The 1990s would offer a much more difficult bargaining climate, making the enormous gains of the 1980s even more important.

The PSC also helped secure equity for female members of the instructional staff through support for the CUNY Women's Coalition in its lawsuit against the university. Beginning in 1973, members of the Coalition, led by Professor Lilia Melani of Brooklyn College, worked to assemble the data needed to show discrimination in the salaries paid to women in CUNY since 1968.

The coalition won a judgment in Federal District Court in 1983 and subsequently reached a settlement with CUNY that provided monetary damages to all female members of the instructional staff who had served during these years.

Judith Vladeck, counsel for the Women's Coalition, acknowledged the help of the PSC in May 1984. In a letter to President Polishook she wrote, "I have often relied on the Union's

assistance, wise counsel and ultimately its financial support." This included help in arriving at the final settlement agreement. Judith Vladeck regarded the actions of the PSC as a "principled position" for which its leaders could take justifiable pride.

### Strengthening the Welfare Fund

Another area of major concern for the PSC was strengthening the Welfare Fund. Increased employer contributions allowed the Fund to improve programs during the 1980s, including new major medical insurance in 1985, the addition of a prescription drug card plan in 1988 and the introduction of a pioneering and highly successful contributory long-term care program at the end of the decade.

The Fund also directed considerable money into the dental plan and developed a panel of participating dentists so that members could reduce their out-of-pocket expenses to a minimum. By the end of the 1980s, protection for active members had expanded significantly, and a new high-quality program was in place for post-1982 retirees. The Fund also maintained and improved benefits for the oldest retirees. As the decade closed, the Welfare Fund had the most extensive array of programs for its members.

of any comparable public fund in New York City.

In 1985 the union recast the governance of the Welfare Fund with cooperation from CUNY. While the Fund remained an independent body, control over its operations shifted to the PSC. Until this point, the union had negotiated the monies for the Welfare Fund but had only minority representation in the Fund's leadership. On occasion, this produced differences over policy.

Believing decision making and financing should be unified, the union created a new, appointed board of trustees, chaired by the president of the PSC. In this way, the Welfare Fund became more directly responsive to the needs and opinions of the members as reflected through the highly visible, elected president of the PSC.

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*In 1982, the PSC made momentous gains for retirees.*

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In the area of grievances, during the 1980s the union won victories in several cases involving presidential reasons where improper or careless actions by college administrations ran counter to the due process rights granted under the contract.

The most important arbitration during the decade was the 1982 decision that reversed the increase in contact



Credit Union added services throughout the decade. President Howard Jones and Manager Zurana Kelly with applicants for the first home mortgage.

hours established unilaterally by CUNY in 1975. The arbitrator set the maxima still in force - 21 hours for the senior colleges and 27 hours for the community colleges. He also awarded 30 hours for lecturers, but in 1983 the PSC negotiated a reduction to the current 27.

#### **Agreement with AAUP**

In 1981, the PSC signed a contractual agreement with the American Association of University Professors (AAUP). The union became the AAUP's chapter for CUNY, replacing the small chapters that had existed on some campuses. In 1983, the

PSC helped arrange the end of the AAUP's censure of CUNY, imposed as a result of the retrenchments of the 1970s.

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### *The 1980s would offer a much more stable bargaining climate*

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The 1981 affiliation agreement also barred AAUP from involvement in any effort by the National Education Association to raid affiliates of the American Federation of Teachers in New York State, thereby reducing destructive competition among the national teachers' organizations. Finally, the PSC's new affiliation encouraged contact at the national level between the AAUP and the PSC's national affiliate, the American Federation of Teachers.

#### **Creating a credit union**

The comparative stability of the 1980s also allowed the union to encourage two important ancillary organizations that served the interests of members and the university. The first of these, the Federal Credit Union, was established in October 1979. It now has over 5,000 members. Assets have grown from \$1.9 million in 1979 to \$23.9 million as of June 1996. In that same month, loans stood at \$9 million and reserves at \$3.4 million. During the 1980s, the credit union added IRA accounts, universal life insurance,

checking and overdraft protection to its basic menu.

The PSC sponsored the credit union and supported it financially through the 1980s, but it has been from its inception an independent institution, as required by law. The success of the credit union indicates that it has been attuned to members' needs.

#### **Scholarships established**

A second organization sponsored by the PSC in 1979 has also grown to be a major asset to the union and the university. The Belle Zeller Scholarship Trust Fund was established to honor the PSC's founding president for her lifetime of service to the faculty and staff of CUNY. The Belle Zeller Fund makes awards to CUNY students based on academic excellence (a minimum grade point index of 3.75) and significant service to the college and the community.

To date, the Fund has awarded 199 scholarships. Originally, set at \$1,000, since 1989 the awards have covered full tuition. Winners receive the scholarships until they complete their undergraduate degree at CUNY so long as they continue to meet the criteria for the award. In 1982, the Fund added a roughly similar program for students at the Graduate Center. The PSC provides staff support, but the Belle Zeller Scholarship Fund operates as an independent organization under a board of trustees.

From its inception, the annual dinner of the Belle Zeller Fund, at which the awards are presented to the

scholars, also has been the occasion for the PSC to honor a "Friend of CUNY." The 1996 honoree was H. Carl McCall, comptroller of the State of New York. Not only does the event enable the union and the university to thank a friend, it also allows that friend to meet the Belle Zeller Scholars and understand even more deeply why CUNY deserves support.

The 1980s were not the good old days. There were struggles aplenty, but the combination of a relatively stable financial situation for CUNY and PSC officers able to see the possibilities and work effectively to convert them to real gains led to a period of growth for the university and notable advances for the union. Yet the decade closed with new storms brewing. As President Polishook put it in 1988, we face "a fiscal hurricane with ourselves and the students we serve as its victims."

Unfortunately the 1990s were to prove how accurate his comments would be. The PSC would now have to shift gears from advancing the condition of the instructional staff and the university to an all-out defense of everything that had been achieved during nearly two decades of struggle, including the very survival of CUNY. ■

## A Decade of Advance

### 1980

- Gov. Carey's budget proposes to cut 600 positions at CUNY. Following PSC campaign, legislature restores funds, overrides governor's veto.
- PSC secures state support for major portion of community college costs at City Tech and College of Staten Island.
- Contract creates Scholar Incentive Awards, Faculty Development Program.
- First Belle Zeller Scholarships awarded.

### 1981

- PSC becomes AAUP chapter for CUNY.

### 1982

- PSC again wins budget restorations for CUNY as legislature overrides Gov. Carey's vetoes.
- First per capita funding by city for post-1982 retirees permits a full range of after-retirement health benefits.
- Contract creates chief CLT title, permanent employment status for HEOs; provides for repayment with interest of salaries deferred during fiscal crisis.

### 1984

- Union wins after-retirement health benefits for TIAA-CREF members.

### 1985

- Restructuring of Welfare Fund leaves it an independent body, but with a board of trustees appointed by the president of the PSC.

### 1987

- Contract wins differential for lecturers with doctorate, adds longevity payments for instructional staff at top of schedule for five and seven years.

### 1989

- Credit union, opened in 1979, reaches \$12 million in assets.



Contracts made major gains in health coverage.

***'The 1980s  
were not  
the good  
old days.'***

## A decade of defense

**T**he optimism and advances of the 1980s ended as the 1990s opened with a reprise of the crises of the seventies. Once again CUNY faced major budget cuts, once again the university's management responded with retrenchment and reorganization, once again the Professional Staff Congress and the New York State United Teachers (NYSUT) were the major force for the restoration of funds and the preservation of CUNY as a viable institution.

Once again there were some losses, but without the victories won by the PSC, the magnitude of the carnage

that would have befallen both CUNY and its instructional staff can scarcely be imagined.

### Storm warnings

Although New York City's finances in the first half of the 1990s did not plunge to the depths of 1975-76, both the city and the state faced large and continuing deficits that placed extreme pressure on CUNY's budget.

This situation resulted from a number of factors. Most important was the multi-year state tax reduction enacted in 1987, which limited the resources available to support the state's many obligations, including CUNY. Secondary developments added to the problem.

The stock market crash in late 1987 hobbled the finances of the city and state for several years. At the same time, the federal government's reduced support of social programs placed a greater burden on both. Finally the recession of the early 1990s further limited revenues.

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*'The gains of 1993-94 proved to be the calm before the storm.'*

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As the available resources fell, costs for many of the programs supported by the state and city rose. In the case of CUNY, not only were



PSC was joined by state legislators, leaders of the University Faculty Senate and student government organizations in 1993 march to protest proposed cuts in CUNY's budget.

there increases because of inflation and rising mandatory costs, but a greater number of students entered the university. By 1990, CUNY's headcount rose to 200,000.

In contrast, between 1990 and 1993 state aid to the senior colleges had dropped by 21 percent while the community colleges suffered a 28 percent reduction in combined aid from city and state.

Rapid increases in tuition and early retirement incentives that permanently vacated higher-paid positions made up for some of this lost public support, but not all of it. The remainder constituted shortfalls for the university that translated into a succession of budget crises.

As in the 1970s, cuts came not only in the adopted budget, but during mid-year as well. In 1991, the state, under Governor Mario Cuomo, unilaterally proposed a payroll lag of five days for the senior colleges as an additional means to reduce expenditures for the university.

The PSC regarded this action as a violation of the union contract, went to court to block the lag and won a reversal of the state's action from the New York Court of Appeals on June 27, 1991, and

from the United States District Court in November 1992. The PSC contract approved by the membership in February 1993 provided that the state would repay 1 1/2 days of the withheld money on April 1, 1994, with the remaining 3 1/2 days to be repaid on Feb. 1, 1996.

In another attempt to cut costs, the state also shed its financial responsibility for associate degree programs at two senior colleges, John Jay and New York City Technical College (NYCTC). Only the intervention of the PSC with Mayor David Dinkins in 1991, and in subsequent years with Mayor Dinkins and Mayor Rudolph Giuliani, led to the city's agreement to pick up this expense, thereby avoiding a crisis at these two colleges.

The cuts of 1991 were severe enough, on top of prior reductions in the budget, to lead CUNY's Board of Trustees to declare a financial emergency in the summer of 1991.

The decision of the city concerning John Jay and NYCTC relieved the fiscal pressure, and no retrenchments took place at this time.

The management of CUNY did reduce costs in other ways, including a cut in the funding for the PSC-CUNY Research Awards. This program was important and venerable, having first appeared in the Legislative Conference agreement of 1969. It continued through all the subsequent PSC contracts. In 1991, the university cut the money available for that year's awards in half, claiming that the adopted state budget had provided only \$1.4 million for them and had contained language barring CUNY from using other funds to support the program.

The PSC regarded this as an illegal breach of the contract, much like the state payroll lag, and the union's response was similar. It filed a class-action grievance, then a lawsuit and ultimately resolved the issue in the contract that became effective in



PSC President Irwin H. Polishook rallied crowd in Albany in 1995 demonstration against proposed budget cuts.

February 1993. This agreement restored full funding for the research awards beginning with the 1994-1995 academic year. Once again, the PSC defended its contract even in difficult times.

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*'You can  
save \$9.27.  
Or you can save  
City University.'*

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In 1992-1993, Governor Cuomo's Executive Budget proposed even larger cuts for CUNY. Despite an infusion of money by the legislature, a tuition hike of \$500 and an early retirement incentive which led 350 members of the instructional staff to leave the university, a \$24-million shortfall remained. The situation was made worse by cuts in city support for the community colleges.

The result was another declaration of financial emergency by CUNY, and this time some retrenchments did take place. Responses by college presidents varied. President Bernard Harleston of City College made 30 retrenchments and eliminated two departments.

Many of those affected took forced early retirement while six others were ultimately restored to their positions by actions of the PSC. In contrast, other presidents avoided retrenchment entirely.

#### **Agreement on a new contract**

In 1993 and 1994, CUNY gained a welcome respite from disastrous

budgets. The economy had improved, producing more revenue for the state and city. But equally important, Governor Cuomo and Mayor Dinkins began preparing for upcoming elections – which both were to lose – by shoring up their political support. In this period of relative calm, the PSC was able to complete negotiations for a contract that had remained unsettled since February 1990. The main obstacle had been the state's refusal to offer anything but zeros for the salary package.

Ultimately the PSC gained 12.5 percent in salary increases over the life of the agreement, which ran through Jan. 31, 1996. The union also secured significant additional monies for the Welfare Fund, which prevented any significant cuts in benefits or the elimination of any programs.

The thaw also allowed the union to win one of its most consistent demands. In response to pressure from the PSC and NYSUT, the legislature in 1994 reversed its action of 1976 and restored Medgar Evers College to senior college status.

#### **New problems**

The gains of 1993-1994 proved to be the calm before the storm. George Pataki's election as governor in 1994 reopened the attacks on CUNY from the state. The new governor claimed that Mario Cuomo had secured his years of pre-election calm by hiding increasing state deficits, and moved to close the gap, primarily by making enormous cuts in expenditures.

Mayor Giuliani, elected in 1993,

also announced that the city faced large budget deficits, and he resolved to cut the city's support of the community colleges. The magnitude of these proposed budget reductions was far greater than any advanced by Governor Cuomo or Mayor Dinkins, and they placed CUNY squarely into a crisis.

The PSC responded with a multifaceted campaign that exceeded even those of the 1970s. With NYSUT, the union secured another early retirement incentive to cushion the impact of looming retrenchments. The two organizations also intensified their political action, and the PSC worked closely with the University Student Senate and its president, Anthony Giordano, to organize a series of rallies in New York City and Albany, and to encourage a massive letter-writing campaign by students.

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*'The PSC  
campaign  
was  
extremely  
effective.'*

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The PSC also sought to enlist the support of the public through the most extensive advertising campaign in its history. The message: the vast damage that the proposed cuts would inflict on CUNY, how a depleted university would hurt the people of the city and state and how small a savings the cuts

represented in real dollars and cents for the average person.

As one advertisement put it: "You can save \$9.27. Or you can save City University." The campaign included ads in the major newspapers in New York City and Albany and over 100 radio spots. NYSUT ran its own advertisements to supplement those of the PSC.

### Restorations

The PSC campaign was extremely effective. By April 1995, the governor and Republican leaders in the State Senate offered some restorations. However, the union's campaign continued and intensified, and ultimately the legislature, with the governor's assent, made a major

restoration in the lump sum amount originally cut, lowered the amount of a tuition increase demanded by Governor Pataki, restored money to the SEEK program and put new life into a Tuition Assistance Program that had been gutted by Mr. Pataki's proposed budget.

With additional savings from the early retirement incentive, the



Higher Ed Day '94 brought PSC activists to Albany seeking aid for CUNY.

governor's massive cut had been fully eliminated. It was a great victory for the PSC, and one would have thought for the management of CUNY. But in a remarkable retreat from reality, the chancellor, board of trustees and college presidents proceeded to act as if the budget cuts had not been reversed. As the PSC's executive director, Arnold Cantor, wrote, there seemed to be only one hand clapping.

Following release of Governor Pataki's Executive Budget, CUNY's board of trustees had declared a financial emergency for the senior colleges on Feb. 27, 1995. The chancellor then rushed to implement retrenchment, and most college presidents proceeded as quickly as possible to abolish or reorganize departments and break tenure or certificated status.

Even though the partial restoration of the lump sum cut, the \$750 increase in tuition and the savings from the early retirement of 617 members of the instructional staff meant that the financial emergency no longer existed, the speeding train of retrenchment raced on.

On June 26, 1995, the board of trustees approved the college retrenchment plans and added a series of significant academic changes of its own under the guise of the financial emergency.

The PSC quickly undertook a legal challenge to the retrenchments and the other actions of the trustees. Working with the chairperson of the University

# You can save \$9.27. Or you can save City University.

Governor Pataki would save \$168.7 million at the City University of New York and put the money in our pockets. Distributed evenly among all New Yorkers, the saving would give us each about \$9.27.

Your \$9.27 would require the raising of tuition at the senior colleges by \$1,000 (the community colleges already charge more tuition than 95% of the country's other public community colleges) - and a reduction in student aid. Your \$9.27 would also force the elimination of almost 15,000 courses, drastically shrinking the opportunities available to CUNY's 213,000 students and many more would-be students - mostly middle-class or disadvantaged.

Thousands of them would be driven away, along with some of the best faculty and staff in the country. The last time CUNY underwent a comparable slash, in 1976 when the City almost went bankrupt, 50,000 students were lost, never to be seen again on any college campus. It was a big loss to the State's economy, too.

If you'd like the \$9.27 in your pocket, thank the Governor for his proposed budget. If you would prefer not to "save" on the future of the State, there is still something you can do:

**Let your legislators know.  
There is still something they can do.**

**Professional Staff Congress**  
the union of the instructional staff of the City University of New York  
NYSUT/AFT/AEJ CIO  
Dr. Irwin M. Polishook, President  
25 West 43 Street, New York, NY 10036

PSC ad campaigns have  
enlisted public support.

Faculty Senate and several named faculty plaintiffs, the union filed the suit of *Irwin Polishook et al v. the City University of New York*.

### The lawsuit

On April 30, 1996, State Supreme Court Justice Alice Schlesinger issued

her decision. It supported the PSC's contention that the university violated its own retrenchment rules by taking actions under a supposed financial emergency in June 1995 when there was considerable evidence that such an emergency no longer existed.

Accordingly, Justice Schlesinger

vacated the trustees' actions relating to the abolition, consolidation and merger of departments at the senior colleges as well as three of the academic resolutions, and remanded all these actions back to the trustees for proper application of the university's own rules and bylaws.



Vice President Richard Boris addresses rally in lower Manhattan during spring budget drive.



Joint lobbying with other NYSUT higher ed locals has boosted the union's effectiveness.

The university appealed the decision, and on Dec. 19, 1996, the Appellate Division of the New York Supreme Court reversed Justice Schlesinger's ruling concerning all issues except the reduction of credits from 128 to 120 for a baccalaureate degree and 64 to 60 for an associate degree.

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*'Ultimately the legislature made a major restoration.'*

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Unlike Justice Schlesinger, who emphasized whether a financial emergency actually existed, the appellate court used an entirely different standard: "Where there is a showing that the administrative body, in exercising its judgment, acts from honest convictions and in good faith, based upon facts and circumstances which it believes are in the school's best interests, and there is no showing that the acts 'were arbitrary or generated by ill will, fraud, collusion or such other motives, it is not the province of a court to interfere and substitute its judgment for that of the administrative body.'"

Since the Board of Trustees had examined CUNY's financial state in June 1995, the court saw no reason to inquire whether that conclusion conformed to reality.

In contrast, the appellate court did choose to interfere and substitute its judgment for that of the administrative body concerning the issue of credits. The judges did not "perceive a rational basis for Long Term Initiative 27 which, in our view, unnecessarily reduces the number of credits required for a degree, and lowers the value of a CUNY diploma...."

The court failed to explain why judicial intervention was appropriate concerning credits, but not on other actions undertaken by CUNY under the same condition of financial emergency.

The PSC and CUNY sought to appeal the respective negative decisions in the Appellate Division opinion to the highest court in New York, the Court of Appeals. The PSC's request was turned down. At this writing, the court's response to CUNY's request was still awaited.

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*'Without the victories won by the PSC, the magnitude of the carnage can scarcely be imagined.'*

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Although the appellate judges chose not to confirm, as Justice Schlesinger had, that the financial

emergency necessary for retrenchment did not exist in June 1995, the PSC continues to believe this was clearly the case. Why, then, would CUNY's management have acted so contrary to reality? PSC President Irwin Polishook believed it was because "the declaration of exigency was largely a pretext to transform the university."

Even as the possibility of serious financial damage receded, the university's top management insisted on acting as if nothing had changed. They pushed ahead to make long desired changes through the enhanced powers given to management in a financial emergency, which would have been difficult under the normal

governance of the university.

These actions were part of a continuing process in which CUNY's central management has tried to aggregate authority, reduce the autonomy of the individual colleges and bypass the longstanding and primary role of college faculties in academic program planning.

This movement in CUNY toward a centralized corporate model is not unique. Throughout the nation, tenure is under attack, traditional governance is challenged and part-time faculty are used, under exploitive conditions, to reduce the need for full-time faculty.

Some colleges and universities

have strong unions, like the PSC, to offer defense when needed, and to advance the cause of the instructional staff and the university when possible.

We are very fortunate to be in that number. ■

**Irwin Yellowitz** is professor emeritus of history at City College and the Graduate School.

He was a member of the PSC Executive Council from 1973 to 1997 and served as treasurer of the Professional Staff Congress from 1984 to 1997.



PSC and other municipal unions staged mass demonstration during 1991 battle of the budget.

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## ***Purpose***

The purpose of this organization shall be to advance and secure the professional and economic interests of the instructional staff of the City University, with special regard for the interest of students and the university.

The Professional Staff Congress shall advance the following objectives:

- To improve the quality of education, research and scholarship at the City University.
- To cooperate with other educational, professional, and labor organizations in order to enhance the quality of education in the nation and to promote the professional and economic interests of all workers in education.
- To serve as the public representative of the instructional staff of the City University.
- To cooperate with other City University employee and academic organizations and student bodies in order to advance the interests of the City University.

- *Constitution of the Professional Staff Congress*

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## **Professional Staff Congress/CUNY**

25 West 43rd Street  
New York, New York 10036  
212/354-1252 Fax: 212/302-7815

### **Affiliates:**

American Association of University Professors  
American Federation of Teachers  
New York City Central Labor Council  
New York State AFL-CIO  
New York State United Teachers



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**PSCenny**

*Professional Staff Congress/*

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